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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JACOB L. EDE,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 1:22-cv-00052-EPG

ORDER RE: STIPULATION FOR THE AWARD
OF ATTORNEY FEES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. §
2412(d)
(ECF No. 19).

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of SIX THOUSAND EIGHT HUNDRED DOLLARS (\$6,800.00) and no costs under 28 U.S.C. § 1920. These amounts represent compensation for all legal services rendered and costs incurred on behalf of Plaintiff, to date, by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d) and 1920.

After the Court issues an order for EAJA fees and expenses to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees and expenses to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010), the ability to honor the assignment

1 will depend on whether the fees are subject to any offset allowed under the United States
2 Department of the Treasury's Offset Program. After the order for EAJA fees and expenses is
3 entered, the government will determine whether they are subject to any offset.

4 Fees and expenses shall be made payable to Plaintiff, but if the Department of the
5 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
6 the payment of fees to be made directly to the Metsker Law Firm, pursuant to the assignment
7 executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees and expenses, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses in connection with this action.

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
16 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.

18 Respectfully submitted,

20 Dated: April 28, 2023

/s/ John David Metsker

JOHN DAVID METSKER
Attorney for Plaintiff

24 Dated: April 28, 2023

/s/ Marcelo Illarmo

MARCELO ILLARMO

**As authorized via email on*

April 28, 2023

Special Assistant United States Attorney
Attorney for Defendant

ORDER

Based upon the parties' stipulation (ECF No. 19), IT IS ORDERED that fees and expenses in the amount of \$6,800.00 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the stipulation.

IT IS SO ORDERED.

Dated: May 1, 2023

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE